

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-586-FDW**

HENRY J. STEELE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
GERALDINE BENNETT, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on periodic status review. On October 5, 2017, this Court entered an order instructing Plaintiff to amend his Complaint within thirty (30) days. (Doc. No. 32). The Court warned Plaintiff that failure to submit an Amended Complaint would result in dismissal of this action without prejudice and without further notice to Plaintiff. Plaintiff has not yet filed an Amended Complaint.

The Court further notes that the docket report shows that mail sent to Plaintiff at his last known address, Lanesboro Correctional Institution, was returned as undeliverable, with a notation that he was released on April 20, 2017. See (Doc. No. 33). The Court's order dated October 5, 2017, specifically warned Plaintiff that if he did not contact the Court within thirty days to give the Court his current address, his action would be dismissed without prejudice for failure to prosecute. In addition to the fact that this action is being dismissed based on Plaintiff's failure to submit an Amended Complaint in accordance with the Court's order dated October 5, 2017, the action is alternatively subject to dismissal because Plaintiff failed to notify the Court of his change in address. Accord Walker v. Moak, Civil Action No. 07-7738, 2008 WL 4722386 (E.D. La. Oct. 22, 2008) (dismissing without prejudice a § 1983 action for failure to prosecute under Rule 41(b)

of the Federal Rules of Civil Procedure where the plaintiff did not notify the court of his new address upon his release from jail).

IT IS, THEREFORE, ORDERED that:

1. This action is dismissed without prejudice.
2. The Clerk is directed to terminate the case.

Signed: December 1, 2017

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

